

68904 U.S. PTO



07/09/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXPRESS MAIL NO. EM368672569US

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8-15-97
#7/EDS

Serial No.: 08/484,928
Filing Date: June 7, 1995
Applicant: Gary K. Michelson
For: FRUSTO-CONICAL INTERBODY
SPINAL FUSION IMPLANTS
Examiner: Brown, M.
Art Unit: 3301
Atty's Docket No.: P-12509

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GROUP 3300

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§1.97 & 1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(c) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c) this Information Disclosure Statement is accompanied by a fee of \$230.00 as specified by section 1.17(p).

The documents listed on pages 1 through 8 of the attached PTO form 1449 were previously submitted to the Examiner in applicant's co-pending application Serial No. 07/968,240 on which applicant claims priority rights under 35 U.S.C. § 120. The

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documents listed on pages 9 through 11 of the attached Form PTO 1449 were previously submitted to the Examiner in Applicant's co-pending application Serial NO. 08/396,414 on which applicant claims priority rights under 35 U.S.C. § 120. For the Examiner's convenience, Applicant has placed references identified in the background of Applicant's application on pages 1 and 2 of the attached form 1449. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material to patentability or constitute "prior art". If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

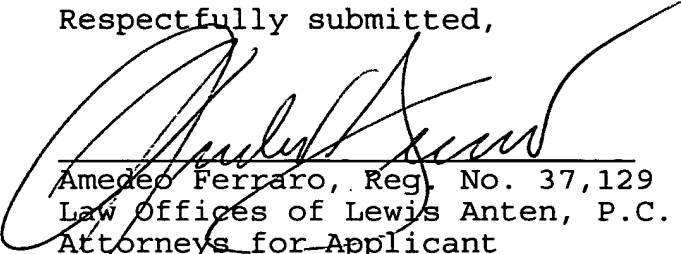
Applicant also brings to the Examiner's attention Applicant's co-pending applications 08/480,908 filed 6/7/95, 08/480,904 filed 6/7/95, 08/474,478 filed 6/7/95, 08/723,592 filed 10/1/96 and 08/479,596 filed 6/7/95.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 01-2138.

Respectfully submitted,

Dated: 7-9-97



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Atty's Docket No. P-12509

EXPRESS MAIL NO. RM368672569US

In re application of: Gary K. Michelson

Serial No.: 08/484,928

Filing Date: June 7, 1995

For: FRUSTO-CONICAL INTERBODY SPINAL FUSION IMPLANTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Transmitted herewith are the following documents:

XXX

An Information Disclosure Statement, List of Cited References, and a check in the amount of \$230.00

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADD'L FEE		RATE	ADD'L FEE
TOTAL	167	MINUS	167	= 0	x 11 =	\$ 0	OR	x 22 =	\$ 0
INDEP.	8	MINUS	8	= 0	x 40 =	\$ 0	OR	x 80 =	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+ 120 =	\$ 0	OR	+ 240 =	\$ 0
ADDITIONAL FEE TOTAL						\$ 0	OR	TOTAL	\$ 0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

_____ A check in the amount of \$000.00 is attached to cover the fee for the attached amendment.

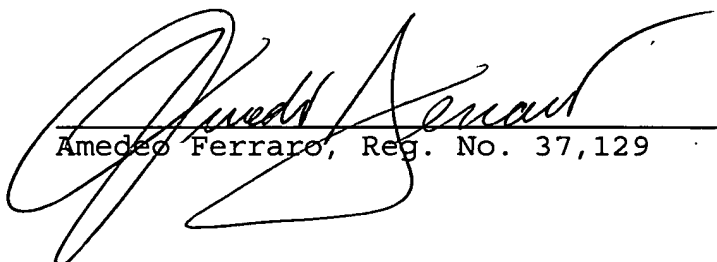
_____ A check in the amount of \$000.00 is attached to cover the fee for the three-month petition for extension of time.

XX The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 01-2138 under the name of Lewis Anten, a professional corporation. Two duplicate copies of this sheet are attached.

X Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 C.F.R. § 1.17.

7-9-97
Date


Amedeo Ferraro, Reg. No. 37,129